



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, August 12, 2003
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman
Frank J. Montanaro
Joseph V. Mulvey
Gerald S. Goldstein
Ellen L. Jordan
John R. Capobianco
Elizabeth S. Dolan

OTHERS PRESENT: Joan N. Brousseau, Administrator
Robyn H. Golden, Investigator
Linda Esposito, Secretary
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:15 a.m.

All members present reviewed the Open Minutes of the June 10, 2003 Board Meeting.

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

The meeting continued in open session:

DRAFTED DECISIONS:

1. Case No. ULP-5485
North Kingstown & IBPO

Elizabeth Dolan disqualified herself from participation in this case.

No draft was available at today's Board Meeting.

Attorney Hogan provided all Board Members with a confidential internal legal memorandum and a copy of her Superior Court brief regarding CA 02-2513 (Our Case No. ULP-5419 - Burrillville & IBPO), for their review. A Motion was made by Frank Montanaro and seconded by Gerald Goldstein to table this matter until the next Board Meeting to give the members an opportunity to properly review these materials. After discussion, all participating Board Members present voted in favor of the Motion.

2. Case No. ULP-5405
Central Falls & AFSCME

This case was heard formally by Walter Lanni, Frank Montanaro, Joseph Mulvey, Gerald Goldstein, Ellen Jordan, John Capobianco and Elizabeth Dolan.

ORDER: The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

After review of the drafted decision, a Motion was made by Frank Montanaro and seconded by Joseph Mulvey to sign the Decision as written. All Board members present voted in favor of the Motion.

Ellen Jordan arrived at 9:25 a.m., and voted in favor tabling ULP-5485 until the next Board Meeting and to sign the drafted decision in Case No. ULP-5405.

3. Case No. EE-3541
Pawtucket & AFSCME
UNIT CLARIFICATION: Police Computer Operations Specialist

No draft was available at today's Board Meeting.

Attorney Hogan provided all Board Members with a confidential internal legal memorandum and a copy of the Superior Court Decision regarding CA 99-0230 - (Our Case No. EE-2003) Corrections & RIBCO (MIS Unit), for their review. A Motion was made by Joseph Mulvey and seconded by John Capobianco to have Attorney Hogan draft a decision as originally discussed by the Board, in Closed Session, at its June 10, 2003 Meeting. After discussion, Walter Lanni, Frank Montanaro, Gerald Goldstein, Ellen Jordan, and Elizabeth Dolan voted against the Motion. (Motion Failed.)

A Motion was then made by Frank Montanaro and seconded by Ellen Jordan to table this matter until the next Board Meeting to give the members an opportunity to properly review these materials; and to have Attorney Hogan draft a letter to the parties asking them to brief the issue of confidentiality, and to provide the parties with a specific response date. After discussion, Elizabeth Dolan, Gerald Goldstein and Walter Lanni voted in favor of the Motion. Joseph Mulvey and John Capobianco voted against the Motion. (Motion passed.)

UNIT CLARIFICATIONS:

1. Case Nos. EE-3109
U.R.I. & NEA
UNIT CLARIFICATION: Supervising Accountant; Supervisor, Computer Operations

After review of the investigator's report, and the Union's response, a Motion was made by Joseph Mulvey and seconded by John Capobianco to include the positions of Supervising Accountant and Supervisor, Computer Operations, into the bargaining unit defined in Case No. EE-3109, and to proceed to formal hearing. After discussion, all Board Members present voted in favor of the Motion.

2. Case Nos. EE-1707A & EE-3167
Providence School & AFSCME & Laborers'
UNIT CLARIFICATION: Foreman, Central Supply Warehouse

After review of the investigator's report, a Motion was made by Joseph Mulvey and seconded by Elizabeth Dolan that the position of Foreman, Central Supply Warehouse, does rightfully belong in a bargaining unit and that the matter should proceed to formal hearing to determine which bargaining unit would be appropriate. After discussion, all Board Members present voted in favor of the Motion.

3. Case No. EE-3157
MHRH & AFSCME
CONSENT AGREEMENT & AFFIDAVIT

After review of the Consent Agreement and Affidavit submitted, a Motion was made by Joseph Mulvey and seconded by Elizabeth Dolan to acknowledge and accept the parties' Consent Agreement and Affidavit to include the positions of Community Facilities Compliance Officer, Habilitative Services Manager, Hospital Administrative Compliance Officer, Principal Dental Hygienist, Psycho pharmacologist, Rehabilitation Counselor, Senior Public Health Promotion Specialist, and Senior Health Facility Surveyor, into the bargaining unit defined in Case No. EE-3157. After discussion, all Board Members voted in favor of the Motion.

MISCELLANEOUS MATTERS:

After review of the 30-day status letters sent to the parties, a Motion was made by Frank Montanaro and seconded by Gerald Goldstein to dismiss the following Unfair Labor Practice charges, with prejudice, because neither of the parties involved in each case submitted a response to the status letter:

1. Case No. ULP-5486 - Pawtucket & AFSCME
2. Case Nos. ULP-5625 & ULP-5632 - Warren & IBPO

3. Case No. ULP-5658 - Warren & IBPO
4. Case No. ULP-5660 - Pawtucket Housing & Teamsters Local 64

After discussion, all Board Members voted in favor of the Motion.

Elizabeth Dolan made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges, cases concluded and miscellaneous matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Ellen Jordan, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:45 a.m.

The meeting resumed in open session at 10:00 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CHARGES:

1. Case Nos. ULP-5670, ULP-5674 & ULP-5675
Johnston & Laborers'

DETERMINATION: consolidate all three cases, issue one Complaint, and proceed to formal hearing.

2. Case No. ULP-5673 (*Employer*)
IAFF & Coventry

Frank Montanaro disqualified himself from participation in this case

DETERMINATION: issue Complaint and proceed to formal hearing.

A Motion to adjourn was made by Ellen Jordan and it was seconded by John Capobianco and it was unanimously,

VOTED: to adjourn the meeting at 10:05 a.m.